

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TYREE WALKER,

Defendant.

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ORDER

20-cv-386-bbc  
11-cr-102-bbc

On July 8, 2019, defendant Tyree Walker filed a motion for relief from judgment under Fed. R. Civ. P. 60(b)(6). On July 10, 2019, his motion was denied as untimely. Thereafter, defendant moved for reconsideration of the July 10, 2019 order. That motion was denied on August 14, 2019. On September 4, 2019, defendant filed a notice of appeal and his appeal is pending.

Defendant has now filed a motion for post conviction relief under 28 U.S.C. § 2255. Absent extraordinary circumstances, the district court should not consider § 2255 motions while an appeal is pending. United States v. Robinson, 8 F.3d 398 (7th Cir. 1993). Defendant has not alleged any extraordinary circumstances that require consideration of his

§ 2255 motion while his appeal is pending. Therefore, I will deny defendant's motion without prejudice.

ORDER

IT IS ORDERED that defendant Tyree Walker's motion for post conviction relief under 28 U.S.C. § 2255 is DENIED without prejudice as premature.

Entered this 1st day of May, 2020.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge